

Entered 11-17-99 - sb
CL 99L0754 - ALEXIS HOLMES


00- *R* -1817

CLAIM OF: **WILLIE WILEY (A.K.A.) WILLIE WYLIE**
through his attorney

Robert A. Maxwell
142 Mitchell Street
The Counsel House
Suite 307
Atlanta, Georgia 30303

For damages alleged to have been sustained as a result of property seized during a drug arrest on January 12, 1998, at 1958 Tiger Flower, Atlanta Georgia.

THIS ADVERSED REPORT IS APPROVED

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0754

Date: 11/01/00

~~Claimant / Victim~~ **WILLIE WILEY (A.K.A.) WILLIE WYLIE**

BY: (ATTY:) Robert A. Maxwell

Address: 142 Mitchell Street, The Counsel House, Suite 307 Atlanta, Georgia 30303

Subrogation: Claim for Property loss \$ 7,315.00 Bodily Injury \$

Date of Notice: 11/10/99 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 10/12/99 Place: 1958 Tiger Flower Atlanta, Georgia 30302

Department Police Division: Property Unit

Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleged that he sustained substantial losses when the City of Atlanta Police Department disposed of his property without notice. A settlement agreement was reached with the claimant in the amount of \$5,000.00. The funds for the settlement were dispersed from Police Property Unit reserves.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police X Dept Report Other X

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

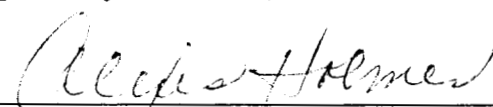
Improper Notice More than Six Months Other Damages reasonable

City not involved Offer rejected Compromise settlement X

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01

Claims Manager:  Concur/date 11-22-00

Committee Action: Council Action

NOTICE OF CLAIM

November 10, 1999

RE: Willie Wylie
vs. City of Atlanta
ENTERED - 11-17-99 - SB
99L0754 - DOBBS JORDAN

TO: CITY OF ATLANTA
Municipal Clerk
55 Trinity Avenue, S.W.
Atlanta, GA 30335-0332

You are hereby notified that on January 12, 1998 at 1958 Tiger Flowers Drive, Atlanta, Georgia a search warrant was executed by Investigator D. Rasmussen. Willie Wylie, among others, was arrested and several items of personal property were illegally seized, to wit: (See Exhibit 1 attached hereto)

1. One Big Screen Television 46"	\$2,400.00
2. One Big Screen Television 40"	\$1,895.00
3. 19" Television	\$ 299.00
4. 13" Television	\$ 199.00
5. Cash \$133.00	\$ 133.00
6. Cash \$ 72.00	\$ 72.00
7. Panasonic Microwave Oven	\$ 300.00
8. C. D. Player	\$ 169.00
9. Nikon Camera	\$ 399.00
10. Receiver, Amplifier, Speakers	\$1,500.00
11. Zenith V. C. R.	\$ 249.00
Total Value	<hr/> \$7,315.00

As a result of Willie Wylie's arrest he was charged with VGCSA, Trafficking. Thereafter on or about September 24, 1999, the charge(s) were dismissed by Fulton Superior Court Judge William Daniel. Thereto on October 12, 1999, Judge Daniel signed an Order for return of Property. See Exhibit 2 attached hereto.


NOTICE OF CLAIM

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On October 15, 1999, Mr. Wylie visited the Atlanta Police Property Section to retrieve his property and was told that the property had been sold.

As a result of the sale, Mr. Wylie has suffered damages in the amount of SEVEN THOUSAND THREE HUNDRED AND FIFTEEN DOLLARS (\$7,315.00). Additionally, Mr. Wylie has incurred attorneys fees in the amount of Two Five Hundred Dollars (\$2,500.00).

This Notice is made pursuant to OCGA 36-33-5, and Willie Wylie demands payment of his claim in the amount of NINE THOUSAND EIGHT HUNDRED AND FIFTEEN DOLLARS (\$9,815.00).


ROBERT A. MAXWELL
ATTORNEY FOR CLAIMANT

P.O. BOX 3295
ATLANTA, GA 30302-3295
(404) 523-7524

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 99L0754

\$ 5,000.00

IN CONSIDERATION of the sum of FIVE THOUSAND AND NO/100
 DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged,
I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City,
its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and
expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly
for or on account of the loss of personal property, specifically - Magnavox TV, Serial #31339576; Orion TV, Serial
#65240106053; RCA TV, Serial #718516581; White CD Player, Serial #313981005; Nikon Camera, Serial
#1673320; Zenith VCR, Serial #BEJ9QKN1250; Lasonic TRC-975, Serial #NSNA; Mitsubishi CS3506R, Serial
#Removed; Mitsubishi CS3506R, Serial #Removed; Magnavox CD Player, Serial #49075609; Sharp 13"TV, Serial
#NSNA; Sharp VCR, Serial #406746725; Sharp Player Combo, Serial #40507366; Sharp Speaker AMP, Serial
#40609689; Sharp Speaker, Serial #9431; Sharp Speaker, Serial #9431; Panasonic Microwave, Serial #Removed;
CASH, Date in 4/14/1999, ID#001583
which occurred on or about the 12th day of January , 1998,
at or near 1958 Tiger Flowers Drive.

It is further understood and agreed that the payment of the above named sum is not to be considered as an
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this
instrument.

WITNESS my hand and seal this 2nd day of November, 2000.

Willie Wiley (LS)
Willie Wiley (AKA) Willie Wylie

The above release was read and explained to, and signed by the said Willie Wiley
(Willie Wiley (AKA) Willie Wylie)

 in our presence on the date above written.

Alvin Holmes
Kelly Barkley
WITNESSES

00- R -1817